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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander MacGregor
Serial No.: 10/006,740
Filed: December 5, 2001
For: *HYDROSTATIC DELIVERY SYSTEM
FOR CONTROLLED DELIVERY OF
AGENT*
Art Unit: 3762
Examiner: Unassigned

I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
Box Missing Parts
Arlington, VA 22202, on this date.

03/25/2002
Date


Robert Wickman

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Box Missing Parts
Arlington, VA 22202

Sir:

In response to the Notice to File Missing Parts mailed January 25, 2002, the following documents are submitted herewith:

- 1) A copy of the Notice to File Missing Parts;
- 2) Preliminary Amendment with attached Declaration;
- 3) A copy of U.S. Provisional Application Serial No. 60/251,751;
- 4) Executed Declaration(s) for Patent Application;
- 5) Check in the amount of \$130 for the non-small entity surcharge;
- 6) Return postcard.

Regarding the omitted pages from the application (pages 29-31), the Applicant elects not to take action pursuant to options (I) or (II) listed in the Notice to File Missing Parts. It is understood that this constitutes a constructive acceptance of the application as deposited in the USPTO, thereby maintaining as the filing date the date of deposit of the application papers in the USPTO and original application papers present in the USPTO on the date of deposit.



U.S.S.N. 10/006,740

A. MACGREGOR

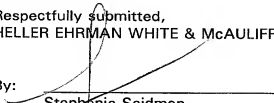
RESPONSE TO NOTICE TO FILE MISSING PARTS

As noted in the attached Preliminary Amendment, the application, which incorporates U.S. Provisional Application Serial No. 60/251,751 in its entirety, was complete as filed. A Preliminary Amendment is provided to amend the specification to add material that was previously incorporated in its entirety from U.S. Provisional Application Serial No. 60/251,751. A copy of the above mentioned provisional application and a Declaration regarding the material added by the amendment are provided herewith.

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By:


Stephanie Seidman
Registration No. 33,779

Attorney Docket 23936-176

Address all correspondence to:

HELLER EHRMAN WHITE & McAULIFFE LLP

4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

E-mail: sseidman@HEWM.com



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 02 2002

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

| APPLICATION NUMBER | FILING/REPORT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|--------------------|-----------------------|------------------------|
| 10/006,740 | 12/05/2001 | Alexander MacGregor | 23936-176 |

CONFIRMATION NO. 2553

FORMALITIES LETTER



0000000007360714

 Stephanie Seidman
 Heller Ehrman White & McAuliffe LLP
 7th Floor
 4350 La Jolla Village Drive
 San Diego, CA 92122

Date Mailed: 01/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The following item(s) appear to have been omitted from the application:

- Page(s) **29,30 and 31** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR**

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1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

Spikie Geremew
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE